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VIA ECF FILING

The Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 1106
New York, NY 10007

1050 30TH STREET, N.W.
WASHINGTON, D.C. 20007

Application **GRANTED**. The parties shall file the referenced joint submission by **November 4, 2022**. If the parties would like a referral for settlement discussions with Judge Cave or through the court's mediation program, they shall file a joint letter requesting such a referral. Following the conclusion of any settlement discussions, and no later than **November 4, 2022**, the parties shall file a joint letter apprising the court of the outcome of those discussions. So Ordered.

Dated: October 11, 2022
New York, New York

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Associated Industries Insurance Company, Inc. v. Wachtel Missry LLP, et al.*
(Case No. 21 CIV 3624 (LGS))

Dear Judge Schofield:

This firm represents Plaintiff, Associated Industries Insurance Company, Inc. ("Associated") in the above-referenced action. We write jointly with Defendant Howard Kleinhendler and counsel for Defendant, Wachtel Missry (the "Firm"). All parties join in the request made in this letter.

On October 6, 2022, Your Honor entered an order [Dkt. No. 77] indicating that certain pre-motion letters [Dkt. Nos. 72 and 74] would be treated by the Court as competing motions for summary judgment as to the affirmative defenses addressed therein. Your Honor ordered that "the parties shall jointly file all communications between Plaintiff and Defendants referenced in the parties' above-mentioned filings or otherwise pertaining to the resolution of the motion" no later than **October 14, 2022**.

The parties jointly request that Your Honor extend the deadline for submission to **November 4, 2022**, which is one week after the date that has been set for Associated to submit an opposition to the Firm's motion pursuant to Fed. R. Civ. P. Rule 59.

The parties request this extension of time to allow them time to identify the necessary materials and to coordinate amongst themselves on preparing this joint submission. The parties also anticipate having discussions during this proposed extension to determine whether they can reach an agreed-to resolution of this matter based upon this Court's Opinion and Order deciding Associated's motion pursuant to Rule 12(c) and the parties' positions as set forth in the correspondence to this Court.

This is the first request made by the parties for this relief.

Respectfully submitted,

April H. Gassler

cc: All Counsel of Record (via CM/ECF)